

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

STATE OF TEXAS,)
CARMEN ROBLES FROST,) Civil Action No. 2:24-cv-159-Z
)
Plaintiffs,)
)
v.)
)
XAVIER BECERRA, in his official capacity as)
Secretary of Health and Human Services;)
RACHEL LEVIN, in her official capacity as)
Assistant Secretary for Health; LYNN)
ROSENTHAL¹, in her official capacity as)
Deputy Assistant Secretary for Population)
Affairs; OFFICE OF THE ASSISTANT SECRETARY)
FOR HEALTH; U.S. DEPARTMENT OF HEALTH &)
HUMAN SERVICES; UNITED STATES OF)
AMERICA,)
)
Defendants.)

)

DEFENDANTS' MOTION TO DISMISS FOR LACK OF JURISDICTION

Defendants hereby move to dismiss for lack of jurisdiction. Fed. R. Civ. P. 12(b)(1). Pursuant to Local Civil Rule 7.1, Defendants are separately submitting a brief in support of this motion.

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Lynn Rosenthal automatically substitutes for her predecessor, Jessica Swafford Marcella, in her official capacity as Deputy Assistant Secretary for Population Affairs.

Dated: October 4, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MICHELLE BENNETT
Assistant Branch Director

/s/ Amber Richer
AMBER RICHER (CA Bar No. 253918)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, D.C. 20005
Tel: (202) 514-3489
Email: amber.richer@usdoj.gov

Attorneys for Defendants